

The following communications were received from his Excellency the Governor, and referred to the Committee on Retrenchment and Reform:

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, May 21, 1873. }

Hon. E. B. Pickett, President of the Senate:

SIR: I return to the Senate, where it originated, the act entitled "An act to provide for the payment of sheriffs for guards employed in conveying prisoners to the Penitentiary of the State in certain cases."

It having been called to my attention repeatedly that excessive, and in some instances also fraudulent, charges were made for transportation of prisoners to the Penitentiary, I found it necessary for the protection of the Treasury of the State to issue, on the twelfth of April of last year, instructions to the sheriffs and inspector of the Penitentiary in regard to the number of guards to be allowed sheriffs and the payment therefor. A copy of these instructions is herewith transmitted for the information of the Legislature.

I believe that these instructions, since issued, have saved thousands to the Treasury. If the amount appropriated in this act is a correct estimate, that saving has been at least twenty thousand dollars, but evidently your special appropriation for this purpose might have been very considerably more than twenty thousand dollars if they had not been issued, because four out of five of the sheriffs of the State have acquiesced in and obeyed them, and consequently have no claim for extra guards. The instructions partly explain my reason for issuing them.

Not especially referred to therein were certain frauds called to my attention, such, for instance, as the practice of some sheriffs of taking an order from the district judge for a large number of guards, and drawing pay therefor, without actually employing that number.

Some judges, too, were in the habit of allowing a number of guards considerably beyond any real necessity, having in view, perhaps, a purpose to make this branch of the sheriffs' business a lucrative one, rather than simply to provide for the security of prisoners. It was intended to give the sheriffs to understand that they could not thus speculate.

As I remarked, the instructions have been complied with by four-fifths of the sheriffs of the State, and I will add, the result shows that the number of guards allowed therein are amply sufficient. No case has been reported to me where prisoners have escaped *en route* to the Penitentiary.

The expense of transportation of prisoners to the penitentiary, even with these stringent measures to prevent fraud and imposition, is already very burdensome, amounting to upwards of thirty thousand dollars per annum. If the door is again to be thrown open, the estimates for that branch of the service may as well be doubled at once in your general appropriation act for the annual support of the government, but I am sure that the patriotic impulses of the houses, when they understand this matter fully, will co-operate with me in my efforts to close this leakage.

I do not think that any sheriff has a just claim against the State for any extra guards beyond those allowed, and therefore ask a reconsideration of the act.

Very respectfully,

EDMUND J. DAVIS, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, April 12, 1872.

Ed. T. Randle, Esq., Inspector State Penitentiary,
Huntsville, Texas:

SIR: The great and increasing expense in the matter of transportation of convicts to the penitentiary has been called to my attention. Moreover, as no standard of compensation has yet been fixed to control officers who pay these claims, a number of instances have come to my knowledge where the claims allowed sheriffs for this kind of service have been very excessive and extravagant, and indicate that these allowances (which are intended by law only as fair compensation to the sheriffs for their services) have come to be considered as a source of speculation. To provide some standard for these allowances, and also to better insure the security of convicts during transportation, I have thought it necessary to prescribe the following regulations to govern the sheriffs and the State inspector of the penitentiary, in regard to the manner of transportation of convicts, the number of guards to be paid for by the inspector, and the manner of estimating the compensation to be paid sheriffs for such transportation, viz.:

1. For each squad of three prisoners or less a sufficient number of guards to make, with the accompanying sheriff or deputy, one person for each prisoner.
2. For each squad of nine prisoners or less, the above number of guards for the first three, and for the additional prisoners such number of guards as will allow one guard for every two of such prisoners.
3. For all squads of prisoners over nine in number a sufficient number of guards, in addition to those permitted above, to allow one for every three prisoners beyond nine in number. Under this head a fraction of not less than two prisoners may be allowed one extra guard.
4. All the prisoners convicted at any one term of a court shall be transported in one squad after the closing of the term, unless any of them remain over by competent authority. Saving such exception, the sheriff shall only receive pay for transportation of one squad of convicts for each term.
5. When it satisfactorily appears to the State Inspector of the Penitentiary in any case, that a sheriff has not actually employed the guards allowed above, or has em-

ployed some or all of them for only a part of the distance for which he claims, then the said inspector shall only allow pay for the guards actually employed, or for the distance actually traveled by the guards employed.

6. The said inspector shall always take from the sheriff or deputy claiming pay for transportation of prisoners a statement, under oath, made before competent authority, showing the number and names of guards employed and the distance traveled by those guards. In computing the pay due for transportation the distance from place of conviction shall be computed by the inspector, over the most direct overland route.

7. For better security in transportation of convicts sheriffs are directed always (unless they have transportation by railroad or steamer) to transport their prisoners properly ironed, in wagons or other convenient wheeled vehicle. And sheriffs and guards when thus transporting prisoners are directed to accompany the vehicle on horseback and to be properly armed. This regulation in regard to mounting of sheriffs and guards is not, however, intended to apply when prisoners are transported by stage coach.

8. The foregoing regulations as to allowances to be made to sheriffs is intended as an outside limit, and is not intended to authorize payment for guards in excess of the number that may in any case be allowed by a district judge.

A printed copy of the foregoing will be sent to all sheriffs in the State for their government in the premises.

Very respectfully,

EDMUND J. DAVIS, Governor.

A true copy.

JNO. J. STEVENS, Private Secretary.